

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Takashi OSUMI <i>et al.</i>)	Group Art Unit: 1652
)	
Application No.: Unassigned)	Examiner: Slobodyansky,
)	
Filed: January 9, 20041)	
)	
For: GREEN FLUORESCENT PROTEINS)	
AND BLUE FLUORESCENT PROTEINS)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of the first Office action on the merits.

Copies of the listed documents were previously submitted or cited by the Examiner in parent Application No. 09/852,000. Thus, under 37 C.F.R. § 1.98(d), copies of the listed documents are not required to be provided.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." Applicants reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed

documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Bonnie Weiss McLeod
Reg. No. 43,255

Dated: January 9, 2004

Customer No. 09629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
Tel: (202) 467-7000
Fax: (202) 467-7176

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449	Attorney Docket No.: 046124-5005-03	Application No.: Continuation of 09/852,000
	Applicant: Takashi OSUMI <i>et al.</i>	
	Filing Date: January 9, 2004	Group: 1652

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	6,020,192	02/01/00	Muzyczka <i>et al.</i>	435	320.1	Jul. 16, 1997
	6,197,928 B1	03/06/01	Tsien <i>et al.</i>	530	350	Mar. 14, 1997

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Angres <i>et al.</i> , Dual Labeling Using ECFP & EYFP in Standard Fluorescence Microscopy, @ <i>Roper Scientific</i> – republished from <i>CLONTECHniques</i> (April 1999).
	CLONTECHniques Living Colors™ pEBFP Vector (April 1997).
	Ellenberg <i>et al.</i> , Two-Color Green Fluorescent Protein Time-Lapse Imaging, @ <i>BioTechniques</i> 25:838-846 (November 1998) Vol. 25, No. 5 838-846
	Miyawaki <i>et al.</i> , Fluorescent Indicators for Ca ²⁺ Based on Green Fluorescent Proteins and Calmodulin, @ <i>Nature</i> 388:882-887 (Aug. 1997)
	Patterson <i>et al.</i> , Use of the Green Fluorescent Protein and its Mutants in Quantitative Fluorescence Microscopy, @ <i>Biophys J</i> 1997 Nov. 733(5):2782-90

Examiner	Date Considered
----------	-----------------

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.